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A "SNAPSHOT" OF STATE LEGISLATIVE
ENACTMENTS IN THE 1979 SESSIONS

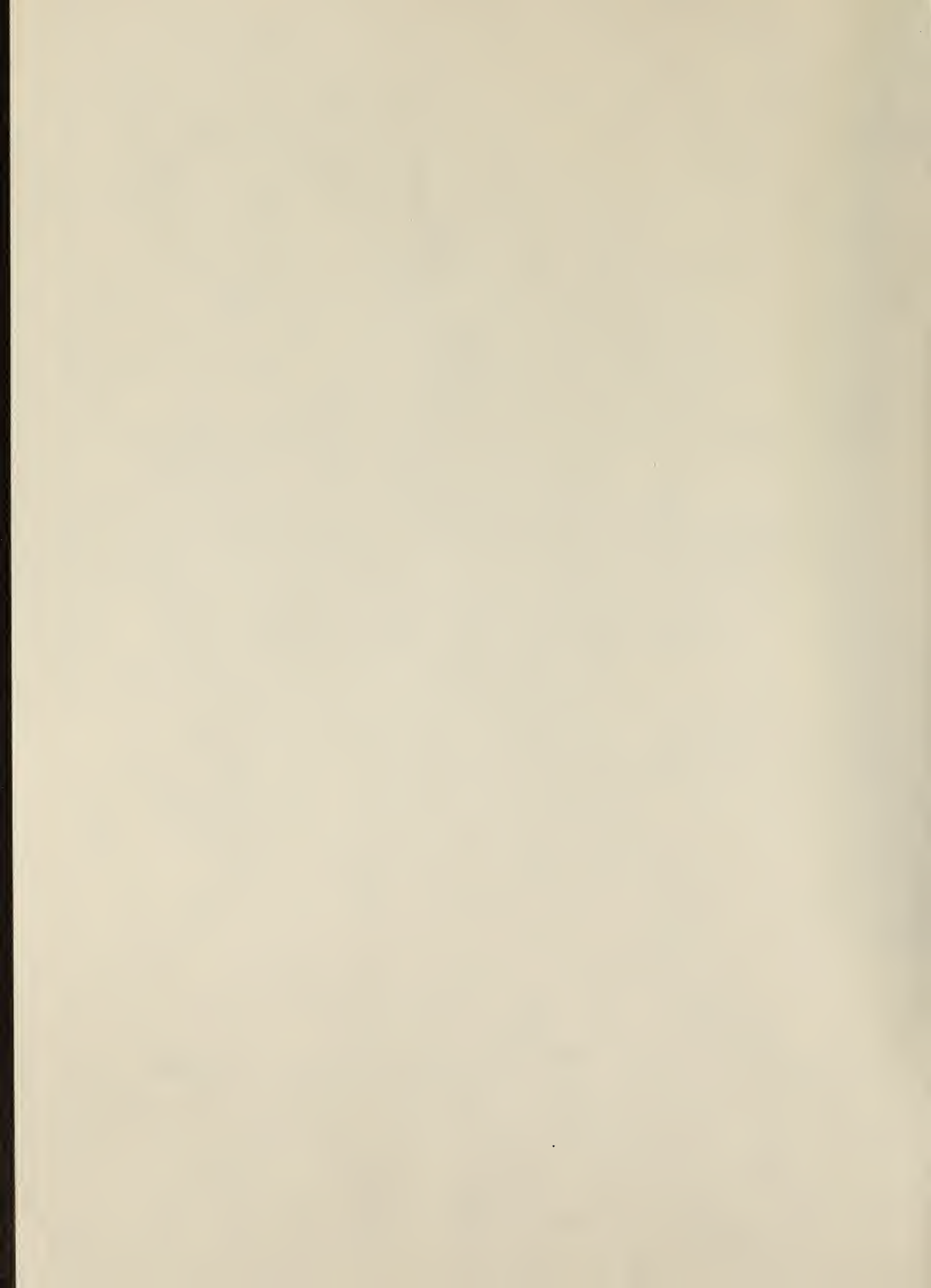
RELATING TO THE PRACTICE OF CHIROPRACTY

by Gary J. Clarke, J.D. and Ruth Newman

All 50 states regulate the practice of chiropractic through the mechanism of a licensure law and a board of examiners which oversees implementation of that law. This is a practice which is typical of most of the older health professions. It is also a practice which has been roundly criticized for failure to adequately protect the public or assure competency of health professionals.

There has been considerable ferment in the past decade to reform health professional licensing structures at the state level, much of which was initially generated by DHEW's June 1971 Report on Licensure and Related Health Personnel Credentialing. The report called for a moratorium on the licensure of new health professional categories; for expansion of legal definitions to permit physician extenders to practice; for better assurances of continuing competency among already licensed professionals; for better reciprocity between states on licenses and testing; and for more public involvement in the licensing boards which oversee the practice of the various licensed health professions. These concerns and others have been reflected in state legislation through the years, although change has been far slower than many had hoped, and far less ambitious than mapped out in the 1971 Report and subsequent documents.

At least 11 states enacted 14 new laws relating to the practice of chiropractic in the 1979 sessions of their state legislatures. Most of these laws concerned technical changes in the membership of state licensing boards or technical changes in licensing procedures for chiropractors. However, other laws concerning insurance coverage for chiropractic and an expanded definition of the profession were also enacted.



One of the most intriguing developments took place in OKLAHOMA, where the legislature enacted a new law authorizing the establishment of nonprofit chiropractic service organizations. These new organizations -- apparently similar in function to nonprofit medical organizations (Blue Shield) -- are permitted to operate with a certificate of authority issued by the Insurance Commissioner, who may also regulate rates, require deposit of a reserve account, and inspect the organization's financial statements. Members of the general public are required to be members of the organization's board of directors and "freedom of choice" for subscribers is assured. (HB 1302)

Another major development relating to insurance and the practice of chiropractic occurred in MAINE. A new law in that state requires both nonprofit hospital and medical organizations (Blue Cross and Blue Shield), as well as all health insurers paying on an "expense incurred" basis (i.e., excluding HMOs), to offer groups of 50 or more subscribers the option of coverage for chiropractors' services. A major stipulation of the law applying only to the Blue Cross/Blue Shield plans requires that chiropractors contract with those organizations "under terms and conditions which the organization deems satisfactory to its membership." (LD 308)

In LOUISIANA, a slight change in the wording of the definition of the practice of chiropractic is thought to have expanded its meaning. Chiropractic is now defined as being engaged in the business of "employing objective and subjective means to ascertain the alignment of the vertebrae of the human spine." (HB 648)

The most frequent changes in state laws concerning chiropractic were in the area of board membership. ARKANSAS now permits up to two members of its State Board of Chiropractic Examiners to be graduates of the same college or school of chiropractic, while NORTH CAROLINA permits three members to be graduates of the same college or school. NORTH CAROLINA also increased the size of its licensing board to seven members and included the requirement that one member be a non-chiropractor. NEBRASKA expanded the terms of board members to five years and prohibited more than two consecutive terms, while NEW MEXICO expanded the number of board members from three to five.

A number of miscellaneous changes occurred in an area which could be roughly grouped under licensure requirements. NEVADA raised its minimum licensing fee and established minimum passing scores on licensing tests. OKLAHOMA and WEST VIRGINIA made technical changes in their educational requirements determining eligibility for licensure. RHODE ISLAND will require relicensure every three years beginning in 1980 and specifically prohibits denial of a license on the grounds of failure to fulfill continuing education requirements.

Several other miscellaneous laws relating to chiropractors were enacted in the 1979 sessions of the 50 state legislatures. MAINE will now permit signed statements of chiropractors as admissible evidence in workers compensation cases. NEVADA expanded the subpoena power of its board to include production of documents and other evidence. In SOUTH CAROLINA, the legislature disapproved a set of minimum standards promulgated by the state's Department of Health and Environmental Control concerning the licensing of chiropractic facilities.

ARKANSAS -- House Bill 583

This law appropriates money for the State Board of Chiropractic Examiners biennial period ending June 30, 1981. Total dollar amount appropriated for 79-80 is \$22,450 and for 80-81 is \$22,782. The majority (approximately 70%) of the money goes toward Maintenance and General Operation category of the budget.

The maximum number of part-time or temporary employees for this period is two. The money appropriated under Total Maintenance and General Help can not be used to hire legal services. The State Board must use the Attorney General's Office if legal services are required, or else secure in writing that outside assistance is needed.

Assistance for professional, personal or consultant services cannot exceed one contract per month during one fiscal year, unless advice is received from the Arkansas Legislative Council. All other contracts must be submitted monthly to the Chief Fiscal Officer of the State.

The Chief Fiscal Officer of the State will receive monthly reports for the purchase or lease of office equipment or motor vehicles in excess of \$750.00. None of the money appropriated can be used for motor vehicles or operation thereof in any way.

Money appropriated for Maintenance and General Help cannot be used any other way. It is unlawful for a person to make expenditures in excess of appropriations per item. The purpose of this act is to restrain state spending.

ARKANSAS -- House Bill 878

Permits two members of the state board of chiropractic examiners to be graduates of the same school or college of chiropractic. Prior law prohibited two graduates of the same school or college of chiropractic from being board members at the same time.

ARKANSAS -- House Bill 879

Clarified existing law relating to appointment of members of the state board of chiropractic examiners. The law permits, but does not require that the Arkansas Chiropractic Association submit a list of at least three persons to the Governor at least 30 days before the expiration of the term of office of each member. The law similarly permits, but does not require that the Governor appoint a member from that list.

All terms of members of the board of chiropractic examiners are for five years. Vacancies occurring for reasons other than normal expiration are filled in the same manner as ordinary vacancies.

LOUISIANA -- House Bill 648

This law adds the word "subjective" to the definition of "practice of chiropractic." This definition states a chiropractor "... as being engaged in the business of employing objective and subjective means to ascertain the alignment of the vertebrae of the human spine...." This addition to the definition gives the chiropractor more leniency in the scope of practice.

MAINE -- Legislative Document 308

Requires all Blue Cross and Blue Shield plans in the State of Maine, as well as every insurer providing coverage on an "expense-incurred" basis for the services of a physician or doctor, to offer, at the option of groups with 50 or more members, coverage for chiropractor's services performed within the scope of the license. In the case of Blue Cross and Blue Shield (non-profit hospital or medical service organizations,) the law requires that the chiropractor have contracted with those organizations "under terms and conditions which the organization deems satisfactory to its membership."

Effective January 1, 1980.

MAINE -- Legislative Document 540

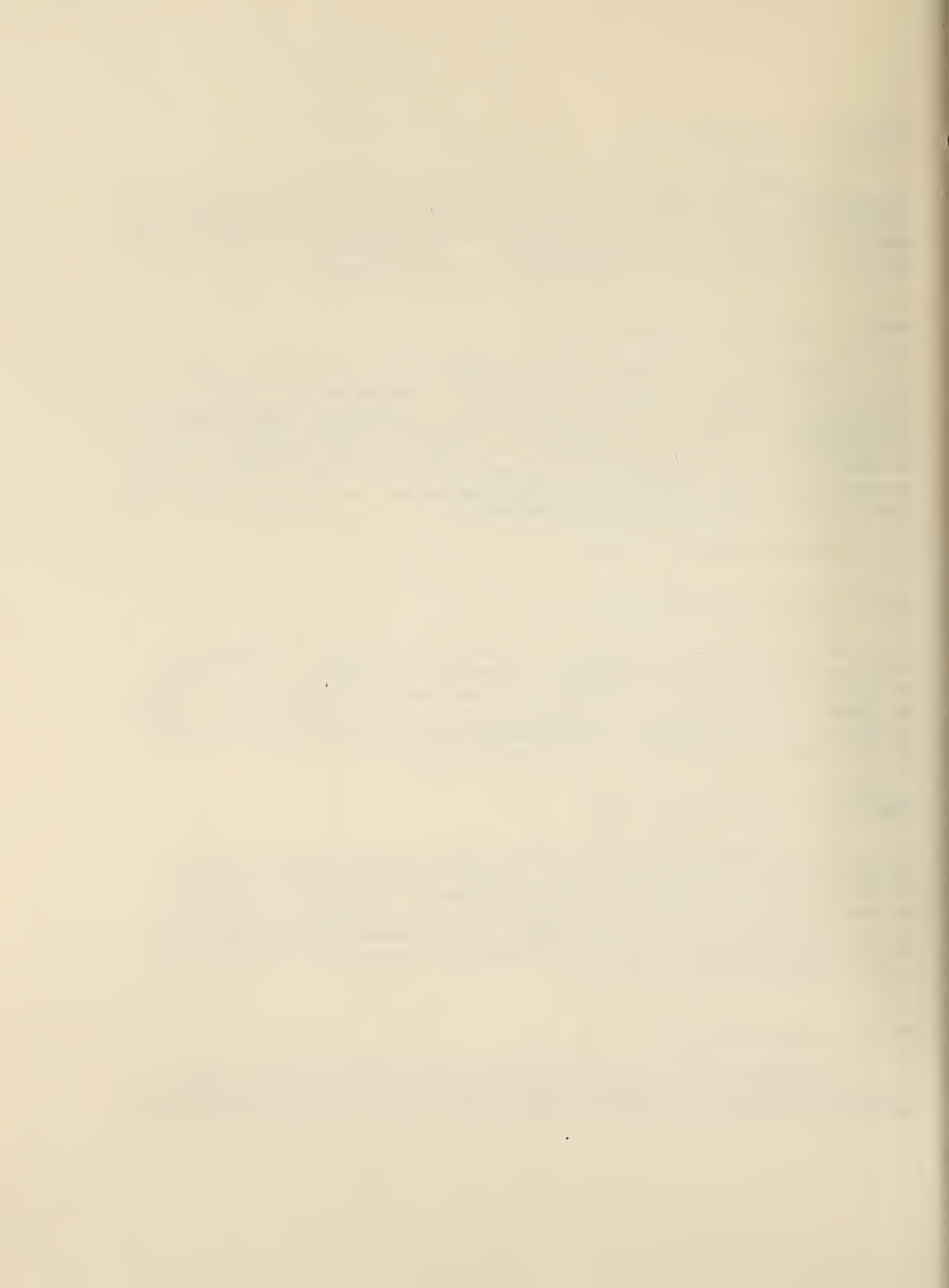
Permits a signed statement by a chiropractor relating to chiropractic questions to be admissible in workers' compensation hearings. Also requires notice to opposing counsel 14 days before the scheduled hearing so that counsel may depose, subpoena or cross-examine the chiropractor if he chooses. (Admissibility of signed statements also extended on the same conditions to medical doctors, osteopathic physicians, and psychologists.)

NEBRASKA -- Legislative Bill 428

This law amends the Revised Statute Section 7 regarding licensure to practice pharmacy, embalming, funeral directing, dentistry, dental hygiene, podiatry, veterinary medicine, veterinary surgery, chiropractic, optometry, osteopathy, audiology, speech pathology, medicine and surgery. Licenses may be renewed biennially as well as annually. Each department will decide when renewals will take place. If biennial renewal is determined, the annual fee will be automatically doubled.

NEVADA -- Senate Bill 187

This law requires the board of Chiropractic Examiners give a person charged with misconduct a full and fair hearing, including the right to a personal appearance and presentation of witnesses. Also, the powers of the presi-



dent or secretary of the board are expanded to permit issuance of subpoenas for production of documents or other evidence.

NEVADA -- Senate Bill 188

This law raises the license fees for chiropractors to \$100.00. An applicant taking the chiropractic exam must score an average of at least 75% on all subjects and not less than 70% on any one subject. If an applicant fails the exam, he/she may retake the exam within the year. Credit must be given for subjects with a score of 75% (or above) previously passed.

NEW MEXICO -- House Bill 91

This law changes the number of members on the Board of Chiropractic Examiners from three to five. One new member must be a practicing chiropractor and the other must represent the public and never have been a chiropractor.

The term of office for each member is increased to five years or less from three years or less. The Officers are also given staggered terms ending July 1.

The quorum for the board is increased from two members to three.

NORTH CAROLINA -- House Bill 57, Chapter 108

Increases the number of members of the state board of chiropractic examiners to seven, including one member who is not a licensed chiropractor. (The non-chiropractor is not prevented from being a health professional in some other discipline.)

Terms of members of the board are revised to be three years in length, and provision is made for staggered terms. Each year the governor is required to appoint two new members of the board from a list of five candidates submitted by the licensed chiropractors in the state, although the Board is formally appointed as the elections committee for making nominations for the chiropractors.

The law is silent as to the length of the term of the non-chiropractor member of the board and how he/she is nominated. Apparently, this person is also nominated by the board and serves a three year term, but this is not clear.

The new law also requires that no more than three members of the state board of chiropractic examiners may be graduates of the same college of school of chiropractic.



OKLAHOMA -- House Bill 1108

Requires all applicants for a license to practice chiropracty to have completed the following educational requirements:

1. A high school education;
2. Not less than four years and nine months of resident study at an accredited school or college of chiropractic; and
3. After June 1, 1960, at least sixty semester hours of college credits in a college or university whose credits are accepted by the University of Oklahoma.

Defines an accredited school or college of chiropractic as one which has a standard of education not below that of the 1978 Council on Chiropractic Education required for accredited status.

OKLAHOMA -- House Bill 1302

Authorizes the creation of non-profit chiropractic service organizations apparently similar to Blue Shield plans, but for the payment of chiropractic rather than medical services. The law requires issuance of a certificate of authority from the Insurance Commissioner and deposit of not more than \$25,000 nor less than \$15,000 for payment of claims in case of insolvency. Non-profit chiropractic service organizations also must file rates with the Insurance Commissioner which may be disapproved, must file annual statements of financial condition, and must include members of the general public on their board of directors. Chiropractic service organizations are forbidden from offering rebates on rates as a form of inducement and from attempting to influence the subscriber in his or her free choice of a chiropractor.

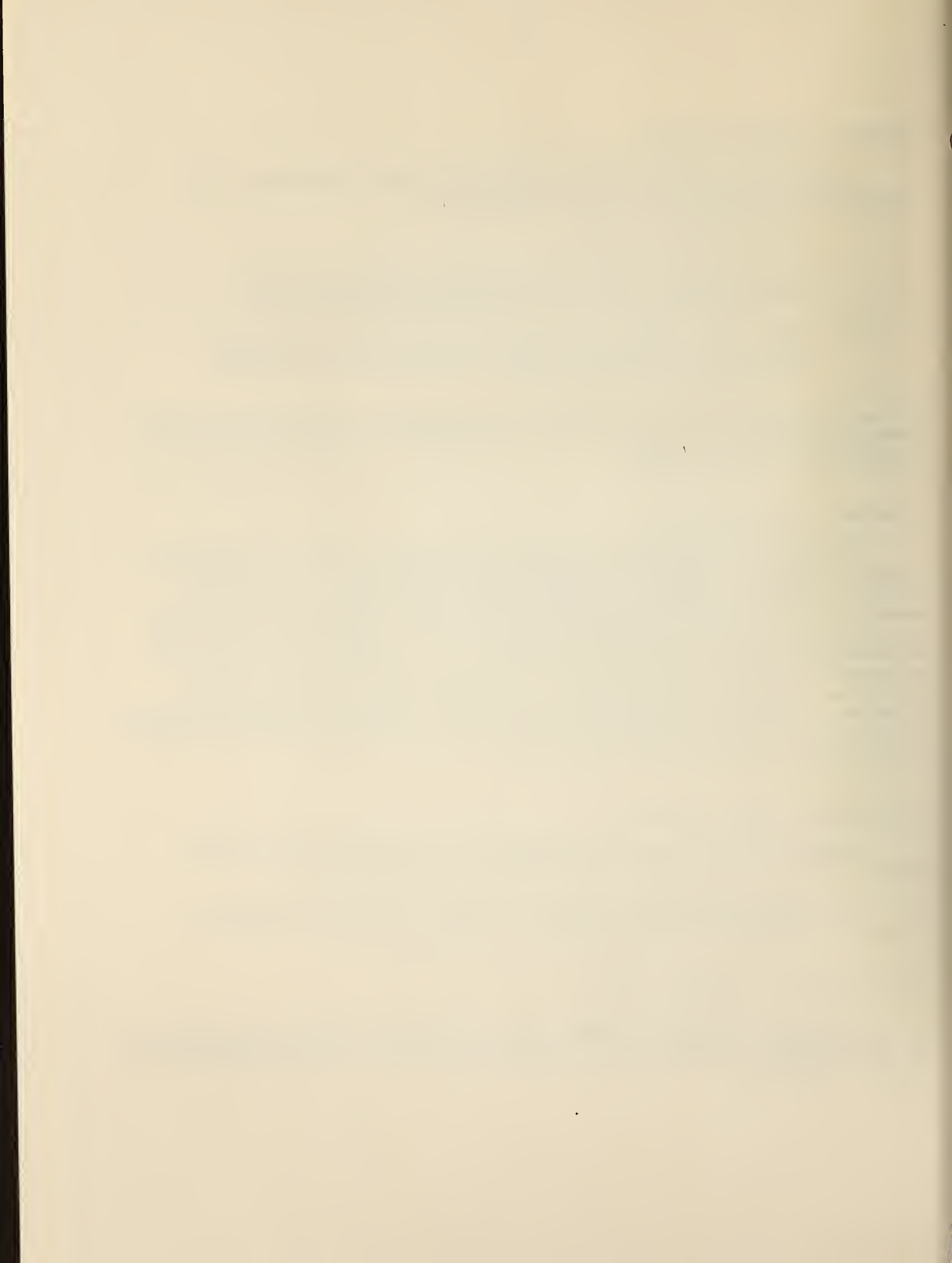
RHODE ISLAND -- House Bill 5544

Rhode Island will require chiropractors to renew their license on or before October 31, every third year after the 1980 registration.

The division can refuse to renew a license if the applicant has not completed 36 hours of continuing education in chiropractics.

SOUTH CAROLINA -- House Bill 3013

This law disapproves of proposed minimum standards regulations promulgated by the Department of Health and Environmental Control, for the licensing of chiropractic facilities.



These minimum standards include education requirements for chiropractors, years of residence, test scores from the Chiropractic Examination Board and general qualifications for chiropractors.

WEST VIRGINIA -- House Bill 1420

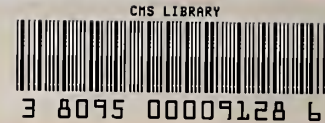
This bill is meant to include as candidates for licensing those applicants who were enrolled in a chiropractic school or college accredited by the American Chiropractic Association on April 9, 1977. HEW has since taken over the accreditation of chiropractic schools.

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Legislative snapshot.

Intergovernmental Health Policy Project



The Intergovernmental Health Policy Project serves a unique function in the development of the nation's health policy. It is the only university-based program in the country concentrating its research efforts exclusively on the health laws and programs of the 50 state governments. The Project provides assistance to state executive officials, legislators, legislative staff and others who need to know about important developments in other states. At the same time, the IHPP helps federal officials identify innovative state health programs and specific state problems.

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Through its newsletter, *State Health Notes*, research publications, and conferences, the IHPP provides key health policy-makers with timely, comprehensive examinations of innovative state legislative activities and health programs.

The Intergovernmental Health Policy Project has a full-time staff of five professional researchers, supplemented by graduate research assistants and consultants. The publications, research and services of the IHPP are made possible by a grant from the Health Care Financing Administration, DHEW, to George Washington University. (HCFA Grant #18-P-27 321/3)